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EXAMINER

HADIZONOOZ, BANAFSHEH

ART UNIT

PAPER NUMBER

3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |   |                                  |  |
|------------------------------|---|----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/723,026    | <b>Applicant(s)</b><br>OH ET AL. |  |
|                              | <b>Examiner</b><br>Banafsheh Hadizonooz | <b>Art Unit</b><br>3714          |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

In response to the correspondence filed on 05/09/2008, claims 1-11 are pending in this office action. This office action is made **Final**.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomas et al (US 2004/0186713) in View of Kaye et al (US 2005/0015255) and further in view of official notice as evidenced by Belknap et al. (US 2003/0070001) and further in view of Sanda (US 20020115051).**

**[Claims 1 and 8]:** Regarding claim 1, Gomas discloses a communication service system for disabled persons, comprising:

a terminal unit (e.g. client computer) implemented for a disabled person and a non-disabled person that access a wired/wireless integrated network and desire to be provided with communication services (See P.1, [0011]), a communication interface for the wired/wireless (e.g. portable electronics) integrated network (See P.2, [0023]), and providing voice and/or text communication services for the disabled person (See Fig.4, element 127). Gomas does not specifically disclose a communication characteristics registered with respect to the disabled person and the non-disabled person, however Kaye discloses such in his invention (e.g. user profile with user disability information)

(See Abstract). Gomas also does not specifically disclose an open API unit for interfacing purposes. Nevertheless, the examiner takes official notice that it is obvious to provide users with an interface. Using open API as a coherent interface is well known in the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gomas/Kaye invention to provide an efficient communication between the disabled person and the server computer or the users without disabilities. Furthermore, Belknap discloses the use of both open and closed APIs (See P.2, [0027] and [0038]).

Gomas/Kaye/Belknap do not disclose providing voice/text communication between two users. Sanda discloses a variable types of sensory interaction for an on-line educational system, wherein the users with disabilities are able to communicate with another user on the opposite terminal wherein the communication characteristics are registered (See Abstract, Fig 3H, P. 4, [0077] and P. 6,[0096]-[0098]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Sanda's invention into the system and method of Gomas/Kaye/Belknap in order to facilitate communication among the users as well as their instructor.

**[Claim 2]:** Regarding claim 2, Gomas further discloses a communication service system, wherein the terminal unit has user interfaces with communication characteristics for the communication services which can be used by a non-disabled person, an auditory disabled person, a visually disabled person, and a speed disabled person, respectively (See P.2, [0022]—[0024]).

**[Claim 3]:** Regarding claim 3, Gomas discloses a system, wherein the non-disabled person has communication characteristics of hearing, speaking, reading and writing that are used as an interface, the visually disabled person has communication characteristics of hearing, speaking and writing that are used as an interface(See P.2, [0024]-[0025]). Gomas does not specifically teach that the auditory disabled person has communication characteristics of speaking, reading and writing that are used as an interface, and the speech disabled person has communication characteristics of hearing, reading and writing that are used as an interface, however including an interface in order to enable people with other disabilities to use the system would have been a mere design choice.

**[Claim 4]:** As per claim 4, Gomas/Kaye doesn't specifically disclose an open API gateway unit which supports protocols, such as Session Initiation Protocol (SIP), Media Gateway Control (MAGACO) protocol, H. 323 protocol, Integrated Services Digital Network (ISDN) User Part (ISUP), Mobile Application Protocol (MAP), Intelligent Network Application Protocol (INAP), and Capabilities Application Protocol (CAP), which are used in the wired/wireless integrated network, and exploits middleware, such as Common Object Request Broker Architecture (CORBA) and Extensible Markup Language (XML) so as to communicate with the open API communication server. Nevertheless, the examiner takes official notice that it is obvious to provide users with an interface. Using API as a coherent interface is well known in the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify Gomas/Kaye invention to provide an efficient communication between the disabled person and the server computer or the users without disabilities.

**[Claim 5]:** Regarding claim 5, Gomas discloses a system comprising a framework unit (e.g. interface) for performing a plurality of functions including access to the communication services, authentication and discovery of the communication services (See P.4, [0065]), integrity management, load management, and fault management; and a service capability feature unit for providing a plurality of functions, including call control, messaging, user interaction, terminal capabilities, mobility, connectivity, presence and availability, and service routing, so as to allow application services to use resources and functions of the network (See P.4, [0064]-[0067]). Gomas does not specifically disclose an open API unit. However the examiner takes official notice that it is obvious to provide users with an interface. Using API as a coherent interface is well known in the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gomas/Kaye invention to provide an efficient communication between the disabled person and the server computer or the users without disabilities.

**[Claim 6]:** With respect to claim 6, Gomas discloses wherein the communication server unit is operated so that, if a connection request is received from a specific user terminal to use a corresponding communication service, the server unit routes the communication service to the voice and text conversion unit when voice and/or text conversion is required in consideration of communication

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characteristics of transmitting and receiving user terminals, and provides a communication service corresponding to voice and/or text returned from the voice and text conversion unit (See P.2, [0030]-[0031], and Fig.4).

**[Claim 7]:** Regarding claim 7, Gomas further discloses a communication service unit for providing the communication service in consideration of communication

characteristics between terminals of disabled persons and between terminals of a non-disabled person and a disabled person (See P.1, [0011]);

a connection unit for supporting an interface with the wired/wireless integrated network and setting up a call in response to a communication service request received from the user (See P.4, [0062]);

a service routing unit for routing a corresponding communication service to support conversion into voice and/or text data in consideration of the characteristics of the respective terminals at the time of providing the communication service (See P.7,

[0095]). Gomas does not specifically disclose a registration unit for registering characteristics of the respective terminals when the terminals use the communication service first time. However, Kaye discloses such in his invention (e.g. user profile with user disability information) (See Abstract) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gomas/Kaye invention to provide an efficient communication between the disabled person and the server computer or the users without disabilities.[Claim 9]: Regarding claim 9, Gomas discloses a system wherein the communication characteristics of the terminals include hearing, speaking, reading and writing communication characteristics (See Abstract).

**[Claim 10]:** kaye discloses a system further comprising the step of setting up a call from the transmitting user terminal to the opposite user terminal in response to the communication establishment request at step b) (See Fig.1).

**[Claim 11]:** With respect to claim 11, Gomas discloses a communication service method wherein the step d) comprises the steps of:

the open API communication server routing the message to the voice and text conversion center so as to perform voice/text conversion in consideration of the communication characteristics of the respective terminals; the voice and text .conversion center converting the message into voice and/or text depending on the communication characteristics of the opposite user terminal and returning the voice and/or text to the server; and the server transmitting the voice and/or text returned from the voice and text conversion center to the opposite user terminal, thus providing the communication service (See P.1,[0011]-P.2, [0021]). Gomas does not specifically disclose an open API unit for interfacing purposes. Nevertheless, the examiner takes official notice that it is obvious to provide users with an interface. Using API as a coherent interface is well known in the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gomas/Kaye invention to provide an efficient communication between the disabled person and the server computer or the users without disabilities.

***Pertinent Prior Art***



The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Belknap et al. (US 2003/0070001)
- Open and closed APIs as an interface to a media service system

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

07/10/2008

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714